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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b),

Table of Allotments,

FM Broadcast Stations.

(Emmetsburg, Sanborn and Sibley, Iowa,
and Brandon, South Dakota)

MM Docket No. 01-65

RM-10078

RM-10188

RM-10189

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: February 25, 2004

Released: February 27, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Petition for Reconsideration filed by Saga Communications of Iowa, LLC ("Saga Communications") directed to the *Report and Order* this proceeding.¹ Eisert Enterprises, Inc. filed an Opposition to Petition for Reconsideration and Saga Communications filed a Reply to Opposition. For the reasons discussed below, we deny the Petition for Reconsideration

Background

2. At the request of Eisert Enterprises, Inc., licensee of Station KDWD (formerly KEMB), Channel 261A, Emmetsburg, Iowa, the *Notice of Proposed Rule Making* proposed the substitution of Channel 261C3 for Channel 261A at Emmetsburg, Iowa, and modification of the Station KDWD license to specify operation on Channel 261C3.² In order to accommodate Channel 261C3 at Emmetsburg, the *Notice* also proposed the deletion of Channel 262A at Sibley, Iowa. In response to the *Notice*, Saga Communications filed a Counterproposal proposing the substitution of Channel 261C3 for vacant Channel 261A at Brandon, South Dakota. This proposal also required the deletion of Channel 262A at Sibley, Iowa. Eisert Enterprises, Inc. filed a Counterproposal adding Channel 264A at Sanborn, Iowa, to its original proposal.³ In addition to allotting Channel 264A to Sanborn, Iowa, the *Report and Order* substituted Channel 261C3 for Channel 261A at Emmetsburg and modified the Station KDWD license to specify operation on Channel 261C3. That action was premised on the fact that this upgrade would provide additional service to 28,607 persons while upgrading the vacant Brandon allotment would provide additional service to 26,223 persons.

¹ *Emmetsburg, Sanborn and Sibley, Iowa, and Brandon, South Dakota*, 17 FCC Rcd 18308 (MMB 2002).

² *Emmetsburg and Sibley, Iowa*, 16 FCC Rcd 4932 (MMB 2001).

³ In *Taccoa, Sugar Hill and Lawrenceville, Georgia*, 16 FCC Rcd 21191 (MMB 2001), we announced that we would not routinely permit a party to file a counterproposal to its own proposal in the absence of an explanation as to why the counterproposal could not have been advanced as part of the original petition for rule making. In this instance, the Counterproposal was filed prior to our decision in *Taccoa* and consideration of the Channel 264A proposal for Sanborn did not prejudice Saga Communications.

3. In support of its Petition for Reconsideration, Saga Communications contends that upgrading the Brandon allotment would, using 2000 U.S. Census data, result in additional service to 27,274 persons while upgrading the Emmetsburg allotment would provide additional service to 24,939 persons. As such, the Brandon upgrade should have been the preferred allotment.⁴

4. We deny the Petition for Reconsideration. We have conducted our own engineering review of the respective proposals using the block centroid data available from the 2000 U.S. Census. Based on this data, we have determined that the proposed upgrade at Emmetsburg will now result in additional service to 28,929 persons. This calculation is based upon existing service to 24,961 persons and a proposed service to a total of 53,990 persons. In comparison, the proposed upgrade at Brandon would result in additional service to 24,614 persons. This calculation is based upon the current allotment at Brandon serving 159,139 persons and the proposed Class C3 allotment serving 183,753 persons. The calculations for both Emmetsburg and Brandon are consistent with our earlier calculations in this proceeding and support our decision favoring the upgrade at Emmetsburg.

5. Accordingly, IT IS ORDERED, That the aforementioned Petition for Reconsideration filed by saga Communications of Iowa, LLC IS DENIED.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁴ See *Revision of FM Allotment Policies and Procedures*, 90 FCC 2d 88 (1982); see also *Greenup, Kentucky, and Athens, Ohio*, 6 FCC Rcd 1493 (1991).